

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 271

Introduced by Senator Gaines

February 19, 2015

An act to add Section 626.12 to the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

SB 271, as amended, Gaines. Unmanned aircraft systems.

Existing law makes it a crime to possess a firearm within 1,000 feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive. Existing law also makes it a crime to possess specified knives or blades on the grounds of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.

This bill would make it an infraction to operate an unmanned aircraft system on or above the grounds of a public school providing instruction in kindergarten or grades 1 to 12, ~~inclusive~~. *This inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would also make it an infraction to use an unmanned aircraft system to capture images of public school grounds providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority. The bill would define school hours for its purposes as during any school session, extracurricular activity, or event sponsored by or participated in by the school, and the one-hour periods immediately preceding and following any session, activity, or event. The bill would provide for a*

fine of no more than ~~\$150~~ \$50 for the first violation of its provisions, and a fine of no more than ~~\$500~~ \$200 for each subsequent violation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.12 is added to the Penal Code, to
2 read:

3 626.12. (a) Unless authorized by federal law, it shall be an
4 infraction to operate an unmanned aircraft system on or above the
5 grounds of a public school providing instruction in kindergarten
6 or grades 1 to 12, inclusive, ~~and shall be punished as follows:~~
7 *during school hours and without the written permission of the*
8 *school principal or higher authority, or his or her designee, or*
9 *equivalent school authority.*

10 (b) *Unless authorized by federal law, it shall be an infraction*
11 *to use an unmanned aircraft system to capture images of public*
12 *school grounds providing instruction in kindergarten or grades 1*
13 *to 12, inclusive, during school hours and without the written*
14 *permission of the school principal or higher authority, or his or*
15 *her designee, or equivalent school authority.*

16 (c) *A violation of this section shall be punished as follows:*

17 (1) Upon a first conviction under this section, a fine of no more
18 ~~than one hundred fifty dollars (\$150).~~ *fifty dollars (\$50).*

19 (2) Upon a second and any subsequent conviction under this
20 section, a fine of no more than ~~five hundred dollars (\$500).~~ *two*
21 *hundred dollars (\$200).*

22 ~~(b)~~

23 (d) For the purposes of this section, “unmanned aircraft system”
24 means an unmanned aircraft and associated elements, including
25 communication links and the components that control the
26 unmanned aircraft, that are required for the pilot in command to
27 operate safely and efficiently in the national airspace system.

1 ~~(e) For the purposes of this section “school hours” means~~
2 ~~during any school session, extracurricular activity, or event~~
3 ~~sponsored by or participated in by the school, and the one-hour~~
4 ~~periods immediately preceding and following any session, activity,~~
5 ~~or event.~~

6 ~~(e)~~

7 (f) This section shall not apply to the operation of an unmanned
8 aircraft system by law enforcement during a public safety
9 emergency.

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.